

Merchantville, NJ

September 14, 2009

A regular meeting of Borough Council was held at 7:30 PM, Monday, September 14, 2009. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:**

Council Present: Alloway, Brennan, Brunton, Waldron, Fields, Clerk Brouse, CFO Moules and Attorney Higgins.

**PUBLIC HEARING****PUBLIC:**

**Michael Callahan, 214 Glenwood Avenue**, continuing flooding on Glenwood Avenue for years, three floods in two months, ditch is not kept clean. Router was to be done two times a year. When was it done last? Mayor responded by stating that Dan sent a letter to NJ transit and received a case number. Public Works makes sure to clear drains when they know of an upcoming storm. We will look into it again. Hopes a survey would be done before any type of merging police would be done.

**Alex Woshenko, 8 Morris Street**, On the Merchantville Blog spot there was a study regarding multi housing. On average less children live in apartments and more in owned homes. How much equity does Fieldstone have and can they survive this economy?

**Wally Hussong, 33 Franklin Avenue**, Are apartments a done deal? No section 8 right? Do we want more apartments?

**Presentation from Recycle Bank Program**

**ENGINEER'S REPORT:** The engineer gave his report on all on going projects.

**APPROVAL OF MINUTES:** On a motion of Mr. Brunton and second of Mr. Waldron, Council approved the regular meeting minutes for 8/10/09

**CORRESPONDENCE:****COUNCIL REPORTS:**

**Mrs. Fields-** the committee reviewed the personnel manual, reviewed JIF. EMS had 27 calls. Planning Board has three sign changes and 3 pending applications. Code Enforcement 24 W. End was appraised. 174 Prospect has been gifted to the Borough.

**Mr. Waldron-**October fest is October 2, 2009. Foam Coffee shop is open, Car Show meeting is Sept. 23, 2009. Public Events yard sale is September 26, 2009, Historic Preservation has no report.

**Mr. Brunton-**Office of Emergency Management has nothing planned, nothing done and no meeting since spring, licensing \$1267, \$1821 total revenue. Public Works has a new street sweeper roller and the JIF inspected the building.

**Mr. Brennan-**Court collected \$11,367, Fire had 14 calls and the ladder truck was repaired.

**Mr. Alloway** gave Police report. 190 traffic tickets, 1 DWI.

**Clerk's Report**

Summer youth program is over and a lot of painting and repairs have been accomplished around

Borough Hall.

Progress on Borough Hall paint and flooring

Reminder that the Farmers Market will be this Friday from 4:00-9:00.

If you are interested in attending the League of Municipalities, sign the sheet on the table.

The Borough will have its tax sale on October 21.

Council meeting reminder for October, due to the Columbus holiday council will be on October 19.

PSE&G work began today on Maple and Centre Street

The Borough Hall will be closed on October 12 for Columbus Day.

Congratulation to Councilman Perno and his wife for the birth of their son.

Mayor and council have been invited to the reception

#### **OLD BUSINESS:**

It was requested that the Community Center fees be put on the October agenda.

#### **NEW BUSINESS**

**Resolutions to be read and approved by consent agenda:** On a motion of Mr. Brunton and second of Mr. Brennan, Council approved the following resolutions to be read and approved by consent agenda:

##### **R09-117**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY EXTENDING THE APPOINTMENT OF AS ACTING MUNICIPAL CLERK OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, the Mayor and Council of the Borough of Merchantville appointed Denise L. Brouse as Acting Municipal Clerk in Resolution R08-79 enacted on July 1, 2008 for a term concluding July 1, 2009; and

**WHEREAS**, it is the desire of Mayor and Council of the Borough of Merchantville to extend the appointment for an annual term concluding July 1, 2010;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that the appointment of Denise L. Brouse to the position of Acting Municipal Clerk is for an annual term commencing July 1, 2009 and concluding on July 1, 2010.

##### **R09-118**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPOINTING DENISE L. BROUSE AS THE REGISTRAR OF VITAL STATISTICS OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, N.J.S.A. 26:8-11 requires the Municipal Clerk be appointed as the local registrar in any district having a population of less than 5,000 ; and

**WHEREAS**, N.J.S.A. 26:8-13 requires the term of office of the registrar to be concurrent with the term of office of the Municipal Clerk if the local registrar is the Municipal Clerk; and

**WHEREAS**, on September 14, 2009 the Mayor and Council of the Borough of Merchantville amended the appointment of Denise L. Brouse to the position of Municipal Clerk for an annual term commencing July 1, 2009 and concluding on July 1, 2010;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that Denise L. Brouse be and is hereby appointed to the position of Registrar of Vital Statistics for an annual term commencing July 1, 2009 and concluding on July 1, 2010.

**R09-119**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF UP TO OF \$1,845,000 OF BONDS OF THE BOROUGH OF MERCHANTVILLE CONSISTING OF THE BOROUGH'S GENERAL OBLIGATION BONDS, SERIES 2009A, AND THE BOROUGH'S GENERAL OBLIGATION BONDS, SERIES 2009B; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

**BACKGROUND**

**WHEREAS**, the Borough of Merchantville, County of Camden, New Jersey ("Borough") has determined there exists a need for the rehabilitation of existing gravity sanitary sewer lines and manholes within the Borough's Sanitary Sewer System including, but not limited to, the cure in place pipe lining of gravity sewer lines and in-place repair of gravity sewer manholes ("2009 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Borough and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"; together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program ("Program"); and

**WHEREAS**, the Borough has determined to use the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the 2009 Project; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute and deliver its General Obligation Bonds, Series 2009A, to the Trust ("2009A Bonds") and its General Obligation Bonds, Series 2009B, to the State ("2009B Bonds"; together with the 2009A Bonds, the "2009 Bonds"), pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements; and

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the Borough Council of the Borough has, pursuant to Bond Ordinance No. 2008-12, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the Borough to finance the costs of the 2009 Project; and

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the 2009 Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement ("Escrow Agreement") to be entered into between the Trust, the State, the Escrow Agent and the Borough; and

**WHEREAS**, to effectuate the financing plan described in the above mentioned paragraphs, it is necessary for the Borough to adopt this resolution and to authorize and approve the issuance and sale of

the 2009 Bonds in a principal amount up to \$1,845,000; and

**WHEREAS**, *N.J.S.A.* 40A:2-27(a)(2) allows for the sale of the 2009A Bonds and the 2009B Bonds to the Trust and the State, respectively, without any public offering, and *N.J.S.A.* 58:11B-9(a) allows for the sale of the 2009 Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:**

**Section 1.** The Borough authorizes and approves the issuance of the 2009 Bonds in two series (2) in a total principal amount of up to \$1,845,000 to be designated, "Borough of Merchantville, County of Camden, New Jersey, General Obligation Bonds, Series 2009A" and "Borough of Merchantville, County of Camden, New Jersey, General Obligation Bonds, Series 2009B", respectively. The 2009 Bonds will be used to pay the costs of the 2009 Project. In accordance with *N.J.S.A.* 40A:2-27(a)(2) and *N.J.S.A.* 58:11B-9(a), the Borough hereby sells and awards the 2009A Bonds and the 2009B Bonds to the Trust and to the State in accordance with the provisions hereof.

**Section 2.** The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the 2009A Bonds and the 2009B Bonds:

- (a) The aggregate principal amount of the 2009A Bonds and the 2009B Bonds to be issued;
- (b) The maturity and annual principal installments of the 2009A Bonds and 2009B Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the 2009 Bonds;
- (d) The interest rates of the 2009 Bonds;
- (e) The purchase price for the 2009 Bonds; and
- (f) The terms and conditions under which the 2009 Bonds shall be subject to redemption prior to their stated maturities.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the 2009 Bonds by the parties authorized under Section 3 hereof.

**Section 3.** The 2009 Bonds shall be in the form prescribed and permitted by the Local Bond Law, as Bond Counsel may advise, and as the Borough, the Trust and the State shall approve. The 2009 Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to principal and interest in lawful money of the United States of America. The 2009 Bonds will be executed on behalf of the Borough by the manual signatures or facsimile signatures of the Mayor and Chief Financial Officer, attested by the Borough Clerk (such execution shall constitute conclusive approval by the Borough of the form of the 2009 Bonds), and shall bear the affixed, imprinted or reproduced seal of the Borough thereon. The 2009A Bonds and the 2009B Bonds shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 4.** The terms of the 2009 Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full members of the Borough Council.

**Section 5.** The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the 2009 Bonds and, to the extent payment is not otherwise provided, the Borough shall be obligated to levy *ad valorem* taxes upon all taxable real property within the Borough without limitation as to rate or amount for the payment thereof.

**Section 6.** Each of the Trust Loan Agreement, Fund Loan Agreement and the Escrow Agreement are hereby authorized to be executed and delivered on behalf of the Borough by the Mayor or Chief Financial Officer in substantially the forms on file in the offices of the Borough, with such changes as the Mayor or Chief Financial Officer in their respective sole discretion, after consultation with counsel and

any advisors to the Borough and after further consultation with the Trust and the State and their representatives, agents, counsel and advisors, shall determine, such determination to be conclusively evidenced by the execution of each of such Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer as determined hereunder. The Borough Clerk and Deputy Borough Clerk are each hereby severally authorized to attest to the execution of the Trust Loan Agreement, Fund Loan Agreement and Escrow Agreement by an authorized officer of the Borough as determined hereunder and to affix the corporate seal of the Borough to such documents.

**Section 7.** All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Borough Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the 2009 Bonds or the 2009 Project are hereby ratified, confirmed, approved and adopted.

**Section 8.** The Mayor, Chief Financial Officer and Borough Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2009 Bonds or the 2009 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinance, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Borough Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 9.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 10.** This resolution shall take effect immediately upon adoption this 14th day of September, 2009.

#### **R09-120**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE REFUND OF DUPLICATE OR OVERPAYMENT OF TAX PAYMENTS**

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that warrants be drawn to the parties listed below in the designated amount representing a duplicate or overpayments tax payment for third quarter of 2009 as follows:

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
27.02/3	300 Volan St	\$159.55

All refunds to be made to the address below:

Christopher Barraro  
300 Volan St.  
Merchantville NJ 08109

**BE IT FURTHER RESOLVED THAT**, all parties have advised that they would like to have a refund rather than applying this payment to subsequent property taxes.

#### **R09-121**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELING TEMPORARY EMERGENCY APPROPRIATION**

**WHEREAS**, Resolution R09-100, passed in July 2009, provided for a temporary emergency appropriation to enter into a commitment to pay for the borough hall roof wall replacement and roof repair; and

**WHEREAS**, funds were hereby re-appropriated from Bond Ordinance 09-15 for renovations and improvements to the Borough Hall including, but not limited to, the replacement of the exterior roof wall and renovation to the roof in the amount of

\$29,195.26;

**IT IS HEREBY RESOLVED**, by the Governing Body of the Borough of Merchantville, that Resolution R09-100, which provided for a temporary emergency appropriation in the amount of \$29,195.26, is hereby canceled.

**R09-122**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR ALCOHOL AND DRUG ALLIANCE**

**WHEREAS**, the Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Camden;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Merchantville, County of Camden, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Merchantville Municipal Alliance grant for calendar year 2010 in the amount of \$8,713.00.

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**R09-123**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO ADOPT THE YEAR 31 COMMUNITY DEVELOPMENT GRANT AGREEMENT**

**WHEREAS**, A cooperative agreement was heretofore entered into between the Borough of Merchantville and the County of Camden for the establishment of a cooperative means of conducting certain community development activities; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

**WHEREAS**, the County has achieved "Urban County" status in accordance with the requirements set forth in Title I of the Housing and Community Development Act of 1974, as amended and the Housing and Urban-Rural Recovery Act of 1983; and

**WHEREAS**, the County has entered into a grant agreement with the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act, as amended, for an Entitlement Grant; and

**WHEREAS**, this Grant is administered for the County by the County's Community Development Office; and

**WHEREAS**, the Borough of Merchantville has proposed certain activities to be carried out under the 31st Year Program: and

**WHEREAS**, the County has approved funding for eligible project(s) of the Borough of Merchantville from said grant and desires the Borough of Merchantville to undertake said project(s)

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, that the Year 31 Municipal CDBG Grant Agreement be adopted between the Borough of Merchantville and the

County of Camden, a copy of the Agreement which is attached thereof; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its enactment as provided by law.

#### **R09-124**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF TAXES AND SEWER CHARGES DUE TO PROPERTY OWNED BY THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, taxes for 2009 as listed below for the periods and amounts stated be cancelled as follows:

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>PERIOD</u></b>	<b><u>AMOUNT</u></b>
29/2	9 S Centre	2 <sup>nd</sup>	\$ 9,993.60
		3 <sup>rd</sup>	\$10,005.49
		4 <sup>th</sup>	\$10,005.49
29/3	5-7 E Park Ave	2 <sup>nd</sup>	\$ 368.36
		3 <sup>rd</sup>	\$ 368.80
		4 <sup>th</sup>	\$ 368.79
29/6	13 S. Centre	2 <sup>nd</sup>	\$ 297.71
		3 <sup>rd</sup>	\$ 298.07
		4 <sup>th</sup>	\$ 298.06
29/8	19 E Park Ave	2 <sup>nd</sup>	\$ 332.94
		3 <sup>rd</sup>	\$ 323.33
		4 <sup>th</sup>	\$ 323.32
29/9	9 S Centre	2 <sup>nd</sup>	\$ 881.79
		3 <sup>rd</sup>	\$ 882.84
		4 <sup>th</sup>	\$ 882.83
29/14	15 S Centre	2 <sup>nd</sup>	\$ 119.84
		3 <sup>rd</sup>	\$ 119.99
		4 <sup>th</sup>	\$ 119.98

**WHEREAS**, sewer for 2009 as listed below for the periods and amounts stated be cancelled as follows:

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
29/2	9 S Centre	\$105.36

**WHEREAS**, the various checks have been investigated and have been determined to have been lost or otherwise destroyed;

**NOW, THEREFORE BE IT RESOLVED**, by the Borough of Merchantville that the following checks in the year and period of 2009 and the expenditures be cancelled to the proper fund:

#### **R09-125**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE REFUND OF DUPLICATE OR OVERPAYMENT OF TAX PAYMENTS**

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that warrants be drawn to the parties listed below in the designated amount representing a duplicate or overpayments tax payment for second quarter of 2006 as follows:

<b><u>BLOCK/LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
55/2	131 North Centre St	\$3138.82

All refunds to be made to the address below:

James & Anne Jackson  
 131 North Centre St  
 Merchantville NJ 08109

**BE IT FURTHER RESOLVED THAT**, all parties have advised that they would like to have a refund rather than applying this payment to subsequent property taxes.

**R09-126**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR CANCELLATION OF OUTSTANDING CHECKS**

**WHEREAS**, there exists outstanding checks on Borough accounts which have been outstanding for over 6 months; and

**WHEREAS**, the various checks have been investigated and have been determined to have been lost or otherwise destroyed;

**NOW, THEREFORE BE IT RESOLVED**, that the following checks be cancelled and the expenditures be cancelled to the proper fund:

<u>FUND</u>	<u>ACCT NO.</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
MUNICIPAL COURT	0123000648	1803	4.00	7-10-08
		1830	60.00	9-11-08
		1836	2.00	10-7-08
		1837	1.00	10-7-08
		1873	2.00	1-5-09
		1881	1.00	2-10-09
		1882	4.00	2-10-09
		1894	1.00	3-10-09
		<b>TOTAL</b>	<b>75.00</b>	

**R09-127**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING CHESTNUT AVENUE STREET CLOSING FOR OCTOBERFEST**

**BE IT RESOLVED**, that in accordance to Chapter 5, Article 2 of the Code of the Borough of Merchantville that traffic on public property known as Chestnut Avenue between Centre Street and Alexander Avenue be and hereby temporally suspended to the public on October 2, 2009 for a period that shall run from 5:00 PM and suspend at 12:00 AM for the public event known as the October fest;

**R09-128**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING CHANGE ORDER NO 1 FOR ROADWAY IMPROVEMENTS TO MORRIS STREET AND PROSPECT STREET**

**WHEREAS**, it was necessary to make changes in the scope of work to be done in completing the Roadway Improvements to Morris Street and Prospect Street [Funded by the NJDOT Municipal Aid Program, FY2008 and FY2009] in the Borough of Merchantville, Camden County, New Jersey;

**WHEREAS**, Change Order No. 1 was developed to itemize and authorize those changes.

**WHEREAS**, certification has been received by the Certified Finance Officer that sufficient funds have been allocated for this Change Order;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Merchantville that Change Order No. 1 is hereby authorized and approval is hereby granted to revise the contract amount from \$253,278.00 to \$\_\_\_\_\_ (increase of \$ \_\_\_\_\_).



**ORDINANCE INTRODUCTION**-On a motion of Mr. Brennan and second of Mr. Brunton, council approved the introduction of the following Ordinance:

**09-16**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, GUARANTEEING PAYMENT OF CERTAIN PROJECT NOTES TO BE ISSUED BY THE MERCHANTVILLE - PENNSAUKEN WATER COMMISSION BACKGROUND**

**WHEREAS**, the Merchantville-Pennsauken Water Commission ("Commission"), a body politic of the State of New Jersey, situated at 20 West Maple Avenue, Merchantville, New Jersey 08109, has been duly organized in accordance with the provisions of *N.J.S.A. 40:62-108 et seq.*; and

**WHEREAS**, the Commission is jointly owned by the Borough of Merchantville, County of Camden, New Jersey ("Borough") and the Township of Pennsauken, County of Camden, New Jersey ("Township") in the following percentages:

Borough of Merchantville	11.58%
Township of Pennsauken	<u>88.42</u>
	<u>100.00%</u>

**WHEREAS**, the Commission has determined there exists a need within its service area for various improvements to its water system ("Water System") consisting of: (i) construction of a 14,000 square foot office building on a 1.208 acre site; (ii) construction of a 1,650 square foot treatment facility; and (iii) reclamation of water from the Maple Shade Wastewater Treatment Plant and re-use of the water for irrigation purposes (collectively, the "2009 Project"); and

**WHEREAS**, the Commission has determined to finance the costs of the 2009 Project through the issuance of its Project Notes, Series 2009, in the aggregate principal amount not to exceed \$5,500,000 ("Notes"), which Notes will be authorized by the Commission pursuant to a resolution of the Commission entitled "RESOLUTION OF THE MERCHANTVILLE-PENNSAUKEN WATER COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER PROJECT NOTES, SERIES 2009 IN THE PRINCIPAL AMOUNT OF UP TO \$5,500,000; DELEGATING TO CERTAIN COMMISSION OFFICIALS THE POWER TO MAKE CERTAIN DETERMINATIONS AND TO AWARD AND SELL THE NOTES; APPROVING CERTAIN TERMS AND PROVISIONS OF THE NOTES AND THE PLEDGE OF REVENUES TO SECURE THE PAYMENT OF THE NOTES; AND DETERMINING CERTAIN MATTERS IN CONNECTION THEREWITH" ("Note Resolution"); and

**WHEREAS**, the Borough Council, after due deliberation, has ascertained that it will be in the best interest of the Commission to issue the Notes to finance the costs of the 2009 Project; and

**WHEREAS**, it is the desire of the Borough to guarantee repayment of said Notes in the event of a default by the Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough hereby guarantees repayment of the principal of and interest on the Notes, when due, in the event the Commission is unable to make such payment.

**Section 2.** Said unconditional guarantee by the Borough shall be to the full extent of its ownership interest in the Commission, that being 11.58% of the amount of any default by the Commission.

**Section 3.** The term of this Ordinance shall extend until the Notes have been paid in full.

**Section 4.** All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

**Section 5.** This Ordinance shall take effect upon publication and final enactment as provided by law.

**DISCUSSION**-Public Works step van should be used until it dies. Do not put anymore money into it.

**DISCUSSION**-Limiting council meetings to one a month in September and October.

On a motion of Mr. Brunton and second of Mr. Alloway, (with Mr. Brennan & Mr. Waldron voting no) Council approved limiting council meetings to one a month in September and October.

**DISCUSSION**-Use of Wellwood Park for benefit-Mayor & Denise have power to approve once chief gives his approval.

**DISCUSSION**-Use of Community Center for Pumpkin Festival.

Mayor would like to discuss at a later date an ordinance to pay for curb to street repair paid by Boro. Self insurance policy.

**PAYMENT OF BILLS**-On a motion of Mrs. Fields and second of Mr. Brunton, Council approved the following bills for payment.

**R09-129  
RESOLUTION**

**RESOLVED** that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

<b>Borough of Merchantville Current Fund</b>		<b>Bill List Summary      Sept 14, 2009</b>	
		Revenue	Budget
<b>Checks Current Fund</b>	2008 Budget		15,424.53
	2009 Budget		\$132,028.13
	State / Federal Grants		\$5,345.51
	Debt Service		
	Board of Education		
	Revenue Current	\$159.55	
	Checks Delivered		\$1,323,473.24
	<b>Total Current</b>	<b>\$159.55</b>	<b>\$1,476,271.41</b>
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<b>Sewer Utility Fund</b>			
	2009 Budget		\$6,513.91
	Debt Service		
	Sewer Capital		175.00
	Checks Delivered		\$6,407.01
	<b>Total Sewer</b>		<b>\$13,095.92</b>
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<b>Recreation Commission</b>			
	2009 Budget		\$102.98
	Revenue Rec	\$500.00	
	Checks Delivered		
	<b>Total Recreation</b>	<b>\$500.00</b>	<b>\$102.98</b>
<hr/>			
<b>General Capital Fund</b>			
	2009 Budget		\$23,118.75
	Checks Delivered		\$3,094.83
	<b>Total Capital</b>		<b>\$26,213.58</b>

<b>Trust-Other Fund</b>			
	2009 Budget		\$1,970.00
	Checks Delivered		\$646.84
	Total Trust		\$2,616.84
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<b>Animal Trust Unemployment</b>	2009 Budget		\$14.40
	2009 Budget		
	Checks Delivered		\$5,555.08
		Total	\$5,569.48
			<hr/>
Total Bill list	Total Revenue \$659.55	Total Budget	\$1,523,870.21
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**ADJOURNMENT:** On the motion of Mr. Alloway and second of Mrs. Fields, the meeting was adjourned at 10:01 PM.

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DENISE BROUSE  
BOROUGH CLERK